

TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS
BOARD MEETING MINUTES
May 14, 2004

The meeting was called to order on May 14, 2004 at 10:45 a.m. by Presiding Officer, Everett G. Heinze, Jr., M.D. Committee members present were Pedro (Pete) V. Garcia, Jr.; Hoang Xiong Ho, L.Ac.; Meng-Sheng Linda Lin, L.Ac.; Dee Ann Newbold, L.Ac.; Terry G. Rascoe, M.D.; and Claire H. Smith. Staff members present were Donald W. Patrick, M.D., J.D.; Executive Director; Jerry Walker, Deputy Executive Director; Michele Shackelford, J.D., General Counsel; Jennifer S. Kaufman, J.D., Assistant General Counsel; and various other staff.

Dr. Heinze recognized the retirement of Pat Wood as the Board Secretary and directed staff to draft a letter of appreciation to Ms. Wood for her service to the Board.

Agenda item #2, executive session, was next. It was announced that there was no need for an executive session.

Agenda item #14, discussion regarding Attorney General Opinion No. GA-0144, was next. Ms. Shackelford discussed with the Board Attorney General Opinion No. GA-0144 relating to the regulation of schools of acupuncture by the Texas Higher Education Coordinating Board. Ms. Shackelford gave a report on some of the ramifications to the Acupuncture Board, acupuncture schools and students. Tim Speer, Manager of the Acupuncture Licensure Department, explained current rules requiring a masters degree upon graduation from a school of acupuncture and asked for direction from the Board to provide temporary licensure to approved applicants until the rule revisions are adopted deleting the Masters Degree requirements.

Agenda item #15, discussion, recommendation and possible action regarding proposed rule changes to board rule 183.2 Definitions, 183.3 Meetings, and 183.16 Texas Acupuncture Schools based on Attorney General Opinion No. GA-0144, was next. After discussion Ms. Newbold moved, Ms. Smith seconded, and the motion was passed to adopt the proposed rule changes.

The Board gave staff direction to issue temporary licenses to approved applicants until the Medical Board has the opportunity to approve permanent licensures.

Agenda item #3, Executive Directors report, was next. Dr. Patrick gave an update on the Sunset process of evaluating and understanding the agency to determine if the agency's existence is necessary. He stated the agency would continue to improve and to establish plans for whatever challenges are presented.

It was announced that there were no orders to be considered for agenda item #5.

Agenda item #6, Consideration and approval of Agreed Board Orders, was next. After discussion, **Mr. Garcia moved, Ms Smith seconded, and the motion passed to approve the agreed order on Shelly Y. Tsai, L.Ac.**

It was announced that there were no orders or cancellations to be considered for agenda items #7-13.

Agenda item #16, discussion, recommendation and possible action regarding the examination requirements for licensure under board rule 183.4(a)(5), was next. Ms. Kaufman gave a brief report concerning the current Board requirement that to be licensed an applicant must take and pass within three attempts each component of the NCCAOM examination. The possibility of changing the rule to allow for additional attempts after remedial training was discussed. After Board discussion, **Ms. Smith moved, and Mr. Garcia seconded a motion to leave the rule unchanged. There was a tie vote. Ms. Smith, Ms. Lin and Mr. Garcia voted for the motion. Ms. Newbold, Dr. Rascoe, and Mr. Ho voted against the motion. The Chair voted in favor of the motion to break the tie vote and the motion passed to approve leaving the rule unchanged.**

Agenda item #17, discussion, recommendation and possible action regarding board rule 183.20 related to CAE approved providers. Ms. Kaufman summarized possible amendments to current rules. After discussion of approved providers, the Board directed staff to redraft the rule and present at the next Education Committee meeting.

Agenda item #18, consideration and approval of January 16, 2004 Board Meeting Minutes, was next. Ms. Newbold moved, Dr. Rascoe seconded, and the motion passed to approve the minutes.

Agenda item #19, consideration and approval of January 16, 2004 Executive Committee Meeting Minutes, was next. Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the minutes with the additional language that the Board took no action regarding Mr. PiPomazios comments.

Agenda item #20, consideration and approval of January 16, 2004 Licensure Committee Meeting Minutes, was next. Mr. Garcia moved, Ms. Newbold seconded, and the motion passed to approve the minutes.

Agenda item #21, consideration and approval of January 16, 2004 Education Committee Meeting Minutes, was next. Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the minutes.

Agenda item #22, consideration and approval of January 16, 2004 Discipline and Ethics Committee Meeting Minutes, was next. Ms. Newbold moved, Mr. Garcia seconded, and the motion passed to approve the minutes with changes.

Agenda item #23, report on May 14 , 2004 Licensure Committee Meeting, was next. Ms. Newbold gave a report.

Ms. Newbold moved, Dr. Rascoe seconded, and the motion passed to go into executive session at 3:10 p.m. for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009; and TEXAS OCCUPATIONS CODE ANNOTATED,

205.304; and Attorney Generals Opinion No. H-484. Open session resumed at 3:15 p.m. and it was announced that no action was taken. A certified agenda was made.

Ms. Newbold was recused. Dr. Heinze read a the list of applicants, **Mr. Garcia moved, Ms. Lin seconded, and the motion passed to approve the report and action items.**

Agenda item #24, report on May 14 , 2004 Education Committee Meeting, was next. Ms. Newbold gave a report on the meeting. **Mr. Garcia moved, Ms. Smith seconded, and the motion passed to approve the report and action items.**

Agenda item #25, report on May 14 , 2004 Discipline and Ethics Committee Meeting. Mr. Garcia gave a report on the meeting. **Dr. Rascoe moved, Ms. Newbold seconded, and the motion passed to approve the report and action items.**

Mr. Garcia moved, Ms. Smith seconded, and the motion passed to adjourned at 3:25 p.m.